

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In The Matter Of: )  
Patrick Raymond Croghan ) Case Number: 16-40497-659  
Kathleen Lynch Croghan )  
    Debtors )  
Ditech Financial LLC, or its successors )  
and assigns )  
    Movant, )     **Document Number: 55**  
vs. )  
Patrick Raymond Croghan )     **Hearing Date: April 23, 2018**  
Kathleen Lynch Croghan )     **Hearing Time: 10:00 AM**  
    and )     **Objection Deadline: April 16, 2018**  
Diana S. Daugherty )  
    Trustee )  
    Respondents )     **ORDER**

The Motion for Relief from the Automatic Stay, filed by Ditech Financial LLC called for hearing.

Upon consideration of the pleadings and the record as a whole, the Court finds and concludes that the Movant has a security interest in the following property:

PART OF LOTS 10 AND 11 IN BLOCK 12 OF RICHMOND HEIGHTS, IN ST. LOUIS COUNTY, MISSOURI, ACCORDING TO PLAT RECORDED IN PLAT BOOK 3 PAGE 52 OF THE ST. LOUIS COUNTY RECORDS, DESCRIBED AS: BEGINNING AT THE WEST LINE OF BELLEVUE AVENUE, AT A POINT DISTANT 90 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 11, BEING ALSO THE SOUTHEAST CORNER OF PROPERTY CONVEYED TO ARTHUR J. KIRCHNER AND WIFE BY DEED RECORDED IN BOOK 765 PAGE 350; THENCE WEST AND PARALLEL WITH THE NORTH LINE OF SAID LOT 11, 147 FEET TO A POINT; THENCE NORTH AND PARALLEL WITH THE WEST LINE OF BELLEVUE AVENUE 9 FEET TO THE NORTH LINE OF SAID LOT 11; THENCE WEST ALONG THE NORTH LINE OF SAID LOTS 11 AND 10, 59 FEET, MORE OR LESS, TO THE

NORTHEAST CORNER OF PROPERTY CONVEYED TO EVA M. GRUTSCH AND HUSBAND BY DEED RECORDED IN BOOK 759 AGE 471; THENCE SOUTH IN A STRAIGHT LINE 186 FEET 7 INCHES TO THE NORTH LINE OF ARLINGTON DRIVE, DISTANT 50 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT 10; THENCE EAST ALONG THE NORTH LINE OF ARLINGTON DRIVE, TO ITS INTERSECTION WITH THE WEST LINE OF BELLEVUE AVENUE AND THENCE NORTH ALONG THE WEST LINE OF BELLEVUE AVENUE TO THE POINT OF BEGINNING; BOUNDED ON THE NORTH BY PROPERTY CONVEYED TO ARTHUR J. KIRCHNER AND WIFE, AS AFORESAID AND THE NORTH LINE OF SAID LOTS 10 AND 11 AND WEST BY PROPERTY CONVEYED TO EVA M. GRUTSCH AND HUSBAND, AS AFORESAID.

The Court further finds and concludes that there is no equity in this property for the benefit of the bankruptcy estate; that Movant has not been afforded adequate protection for its interest and that said property is not necessary for an effective reorganization. It is therefore,

ORDERED that the stay provided for by Section 362 of Title 11, United States Code, is terminated to permit the Movant, or its successors and assigns to foreclose its security interest in the herein described property or to execute documentation to transfer title to Movant in lieu of foreclosure and to pursue its remedies in accordance with the security agreement and state law including obtaining possession of the property after foreclosure.

IT IS FURTHER ORDERED that the Chapter 13 Trustee is directed to discontinue payment on all claims secured by the property against which relief from the automatic stay is granted in this Order. The Trustee is directed to resume payment on such claims on notification pursuant to L.B.R. 3021-1 A.

IT IS FURTHER ORDERED that relief from the automatic stay is granted to Movant, or its successors and assigns effective immediately and that relief from the automatic stay is not stayed for fourteen (14) days pursuant to Rule 4001.

IT IS FURTHER ORDERED Movant's attorney fees in the amount of \$600.00 and costs in the amount of \$181.00 sought in the Motion, or any balance thereon, are hereby granted and may be assessed against the account of the Debtors.

IT IS FURTHER ORDERED that Movant, or its successors and assigns shall be permitted to communicate with the Debtors and Counsel for Debtors to the extent provided for under nonbankruptcy law to discuss loss mitigation options including alternatives to foreclosure.

IT IS FURTHER ORDERED that Movant's alternative request to dismiss this bankruptcy case be and it hereby is DENIED, as moot. All further relief prayed for by Movant is hereby DENIED.

Kathy A. Surratt - States  
KATHY A. SURRETT-STATES  
Chief United States Bankruptcy Judge

DATED: April 24, 2018  
St. Louis, Missouri  
jjh

Order Prepared and Submitted by:  
Millsap & Singer, LLC

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